

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
FILED

AUG 31 2000

MICHAEL N. MILBY CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

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Civil Action No. CA-00-125

**PLAINTIFF'S SUPPLEMENTAL UNOPPOSED MOTION
TO EXTEND TIME FOR PAYMENT OF SANCTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (hereinafter "EEOC" or "the Commission"), and respectfully files this, its Supplemental Unopposed Motion to Extend Time for Payment of Sanctions, and would show the Court as follows:

1. On July 21, 2000, Plaintiff EEOC filed an Unopposed Motion to Extend Time for Payment of Sanctions, based on the Court's verbal order on July 6, 2000, to pay attorneys fees by August 6, 2000. The Court granted that Motion on August 1, 2000, extending the date of payment to October 2, 2000. As an Exhibit to its Motion, the EEOC included a June 12, 2000, internal memo (See Exhibit 1) which describes the process for payment of attorneys fees to Defendants. That process is dependent on a signed order from the Court so that the request for payment can be processed through the Department of Justice. Once a request for payment is submitted to the DOJ, it is out of the control of the EEOC.

2. On August 28, 2000, this Court entered its Order and Judgment, requiring Plaintiff EEOC to pay attorneys fees in the amount of \$750.00 to Defendant within 30 days, which is September 27, 2000. The San Antonio District Office sent the required packet of information,

including the Court's Order, to EEOC headquarters in Washington, D.C. on August 28, 2000, for processing. In order to expedite the process, the packet was sent by telephonic facsimile on August 29, 2000, with a request for immediate payment (See Exhibit 2). The response from the person responsible for processing such payments, Jeanne Perez, is also attached as an exhibit (See Exhibit 3). Ms. Perez reiterated that she would expedite her part of the process, but that the average time for payment is still six weeks. In addition, Plaintiff EEOC has a concern about the speed of the payment because this request has been made near the end of the fiscal year, when it is historically more difficult to receive funding.

3. Therefore, Plaintiff EEOC, respectfully requests that the Court extend its time for payment from 30 days to 60 days from the date of the Court's August 28, 2000 Order. This request is not made for the purposes of delay, but to ensure Plaintiff complies with the Court's Order.

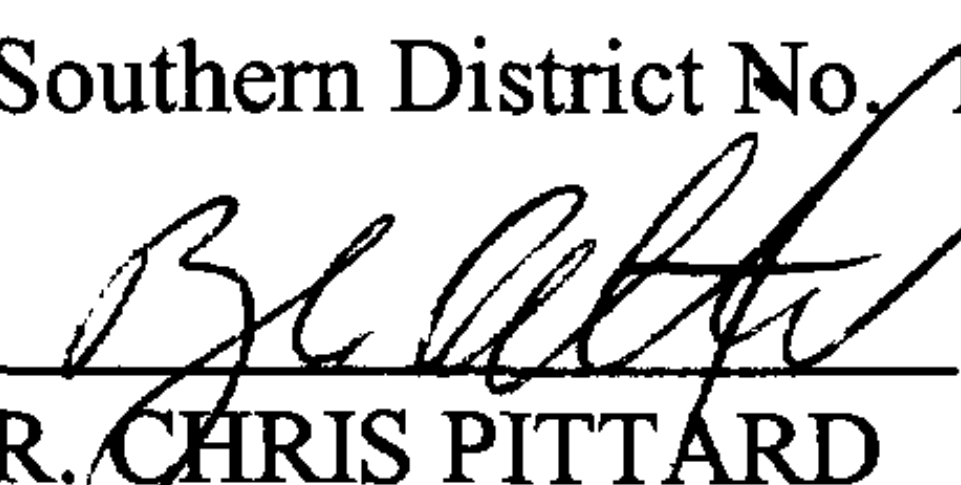
Respectfully submitted,

C. GREGORY STEWART
General Counsel Designate

GWENDOLYN YOUNG REAMS
Associate General Counsel

ROBERT B. HARWIN
Regional Attorney
State Bar No. 076083
(District of Columbia)

LINDA GUTIERREZ
Supervisory Trial Attorney
Texas State Bar No. 08642750
Southern District No. 14464


R. CHRIS PITTARD
Attorney-In-Charge
Texas State Bar No. 00794465
Southern District No. 23449

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
General Counsel

JUL 12 2000

MEMORANDUM

TO: REGIONAL ATTORNEYS

FROM: C. GREGORY STEWART *C. G. Stewart*
General Counsel

SUBJECT: Judgement Costs

All instances in which EEOC is ordered to pay attorney fees or Bills of Cost must be submitted to the Department of Justice (DOJ) for processing. In order to ensure that payment is processed in a timely manner, DOJ must have certain very specific information. The EEOC Debt Collection Officer, Jeanne Perez, is the EEOC official responsible for coordinating the requests between EEOC and DOJ. In order for her to submit the request to DOJ in a timely manner, please provide the following information in a memorandum:

- brief summary of the case
- recipient of the check
- tax id # (TIN) and address of the check recipient
- name and address of the party's counsel
- statement that the case is not being appealed.

Please attach to the memorandum the following:

- copy of the Judge's order, which is dated and has all necessary signatures
- copy of the Judgement
- copy of the complaint
- copy of clerk of court assessment of costs
- court documents granting costs, if available.

Please note that DOJ will make checks payable only to the parties, not the attorneys. Therefore, it is especially important that the plaintiffs' complete address, social security or TIN be provided.

The package requesting payment of judgement costs should be submitted to your LMS liaison to review. After LMS has reviewed the package, it will be given to Ralph Jeffries, who will coordinate with Jeanne Perez in OFRM. Once the package is received, it normally takes DOJ 4-6 weeks to process the payment. Therefore, it is critical that all of the necessary information and documents be provided at the outset. DOJ will not issue a check if the package is incomplete. A delay in receiving payment may result in defendant's counsel requesting and being awarded penalty payment on the initial award amount.

Please contact Jeanne Perez on (202) 663-4295 or Ralph Jeffries on (202) 663-4712, if you have any questions.

cc: LMS Liaisons
Jeanne Perez

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RA
STN/LG/Lt B
CP

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office

5410 Fredericksburg Road, Suite 200
 San Antonio, TX 78229-3555
 (210) 281-7600
 TTY (210) 281-7610
 FAX (210) 281-7690

MEMORANDUM

TO: Jeanne Perez
 Debt Collection Officer

FROM: Robert B. Harwin
 Regional Attorney, SADO

Bob Harwin

DATE: August 28, 2000

SUBJ: Payment of Attorneys Fees in *EEOC v. Nationwide Housing Systems, Inc.*; Civil Action No. C-00-125; In the United States District Court, Southern District of Texas, Corpus Christi Division

1. The purpose of this memo is to request immediate payment of \$750.00 to Defendant Nationwide Housing Systems, Inc. in accordance with the court's order. Payment is requested within 30 days of this date in order to comply with the court's 8/28/00 order.

2. Summary of the Case: This is a suit file under the ADEA. Charging Party had originally been employed as a business manger in Corpus Christi, Texas, and quit in 1996 because he felt he had no future with the company because of his age. In early 1997, CP went back to work for the company as a sales representative. On or around May 1997, the job of general manager became available. He expressed an interest in the job; however, at a company meeting the regional vice-president stated that the company was looking for a young guy similar to one the company had recently promoted to another position. A few weeks later a younger male was promoted into the job and CP quit.

The Complaint was filed on March 27, 2000. The Waiver of Service was served on Defendant. Defendant sent a fax copy of the original; however, the original was never received. As a result the Waiver was never filed with the court. EEOC filed its Certificate Regarding Financial Interest on May 8, 2000. The court scheduled an initial pre-trial conference; however, since Defendant was not yet required to answer until after the date of the conference, the Commission did not attend the conference. However, the Commission failed to inform the court that neither party would be at the conference. The court dismissed the suit with prejudice on 5/26/00. EEOC filed its Motion for Reinstatement on 6/1/00 and Defendant filed its response on 6/20/00. The court granted EEOC's Motion and reinstated the case based on Rule 59(e) judicial error. The initial pre-trial conference was rescheduled for 7/6/00. Defendant filed a motion for attorneys fees in the amount of \$4,752. On 7/6/00, at the pre-trial conference the court granted Defendant's motion for attorneys fees in the amount of \$750. The judge issued the order on 8/28/00.

3. Name and Address of Recipient of the check:
Nationwide Housing Systems, Inc.
ATTN: Craig Reynolds
2450 S. Shore Blvd., Ste. 300
League City, Texas 77573
4. Tax I.D.# of Check Recipient: 741605555
5. Defendant's counsel of record:
Anita Alessandra
ASHCRAFT LAW FIRM, P.C.
8750 N. Central Expressway, Suite 1070
Dallas, Texas 75231
6. Statement of Non-appeal: On July 6, 2000, this office requested that the Commission not appeal the order for attorneys fees. The request was made to Philip Sklover, Associate General Counsel, OGC, and Wesley Curl, Attorney Advisor, OGC (See Attached Memo).
7. Attached documents:
 - a) July 6, 2000 Memo to Sklover and Curl requesting no appeal on the court's order;
 - b) Copy of court's order and judgment, dated 8/28/00;
 - c) Copy of Original Complaint, dated, 4/27/00.

cc: C. Gregory Stewart
General Counsel

Gwendolyn Y. Reams
Associate General Counsel, OGC

Ethel K. Mixon
Assistant General Counsel, OGC

Enclosures

CONFIRMATION REPORT - MEMORY SEND

Time : AUG-29-00 09:33
Fax number:
Name :

Job : 173
Date : AUG-29 09:29
To : 812026634639
Doc. pages : 17
Start time : AUG-29 09:29
End time : AUG-29 09:33
Pages sent : 17

Job:173

*** SEND SUCCESSFUL ***



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office**

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
(210) 281-7600
TTY (210) 281-7610
FAX (210) 281-7669

**FAX COVER PAGE
OFFICIAL GOVERNMENT BUSINESS**

Date: August 29, 2000 From: Robert Harwin
Regional Attorney
To: Jeanne Perez, Debt Collection Officer
Address: U.S. EEOC

Washington, D.C. 20507

Phone No.: ()

Fax No.: (202) 663-4639

(If other than a district office)

No. of pages, including cover page: 17

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Special Instructions:

San Antonio District Office Legal Unit Fax No.: (210) 281-7669

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From: JEANNE PEREZ
To: ROBERT HARWIN
Date: 8/29/00 11:48AM
Subject: Nationwide....

Just to let you know I did attempt to call several times this morning but kept getting a busy signal. I am no longer in the Office of Legal Counsel but now work with the Director of Financial Management.

I will process this judgement as quickly as possible. It will take one to two days to prepare it for the Director's signature (even expedited), and then it goes to FMS for consideration. I will ask them to expedite the package, but it will still take weeks before it will even go onto Treasury for payment. Then the check comes to me and I will send it by FedEx or Certified mail. I believe from a quick glance the check is due 30 days from August 28th, which will be September 25th.

We really do not have control over these payments. The average time is six weeks if everything is in order.

I'll do what I can.

CC: GWENDOLYN REAMS; WESLEY CURL